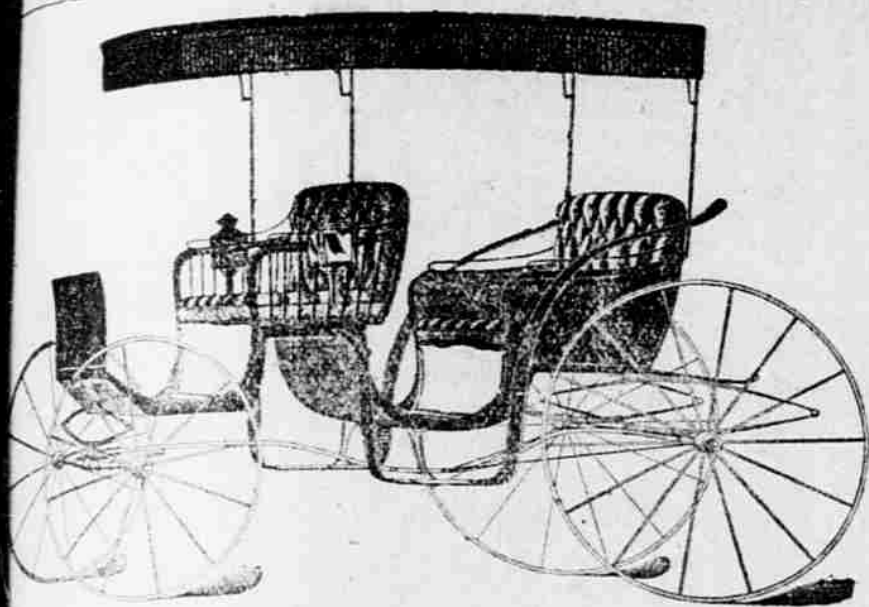


ANIEL WEBSTER Said of Massachusetts
"She needs no defense. There she stands. Look at her."



COLUMBUS SURREY.

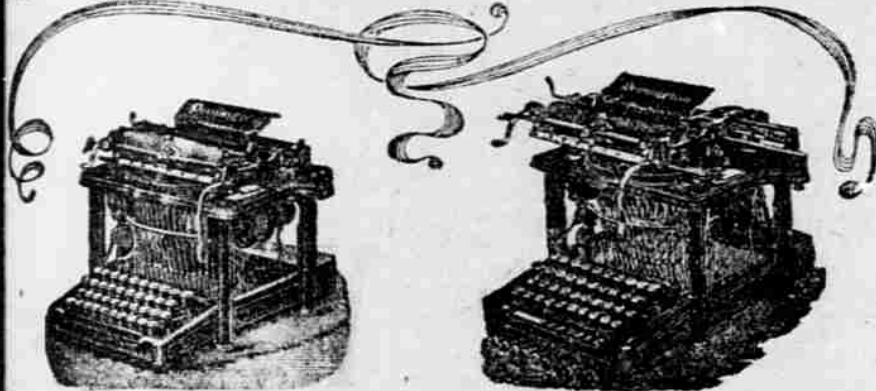
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APOLOGIZE, LOOK AT OUR WORK.

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125 MERCHANT ST.

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MORNING MEAL, ROLLED OATS,
PETTJOHN'S BREAKFAST GEM,
CREAM OF WHEAT,
MALTED BREAKFAST FOOD, ETC., ETC.

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Grocers. Fort Street

STIRLING
WATER TUBE BOILERS.

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NETTLETON'S SHOES

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Fort and Hotel Streets

Oahu Carriage Mfg. Co., Ltd.

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CHINESE CAN'T COME

**Merchants From
Mainland Sent
Back.**

**MAY BECOME LIKE
WANDERING JEW**

**If Refused Entrance Into United
States—Yung Ho Ordered
Deported by Estee.**

Judge Estee sustained the ruling of Collector Stackable yesterday in refusing to allow the two San Francisco Chinese merchants to land from the Mariposa, and they will be sent back today to the port whence they came. If the contention made by Attorney Fitch is borne out in fact, these poor Chinamen may be refused admission to San Francisco by the collector of the port, and again sent back to Honolulu, this program to continue indefinitely within the lifetime of the much-abused Orientals. Judge Estee held that he was without jurisdiction in the matter, and refused to pass upon the application for writs of habeas corpus. The ruling is important in that it sustains the decision of the Collector, and will not allow the landing in Hawaii of any Chinaman from any place in the United States, unless he is a native of the United States. Consequently immigration of Chinese to Hawaii in any form is absolutely prohibited.

The Treasury decision under which Collector Stackable was acting is quoted in full as follows:

Department of Justice.

F. E. R. No. 8-1896.

Office of the Solicitor of the Treasury.

Washington, D. C., June 20th, 1900.

The Secretary of the Treasury, Sir:

The Honorable T. V. Powderly, Commissioner-General of Immigration, has referred for my consideration a letter dated the 2nd instant, from Joshua K. Brown, Chinese Inspector at Honolulu, H. I., relative to the admission of Chinese going from the United States to that territory. The inspector states his case in this way: "The positive provisions of Section 101 of the Act of April 30th, 1900, 'that no Chinese laborer shall be allowed to enter any State or Territory or district of the United States from the Hawaiian Islands,' suggests an inquiry of the department, for instructions, relative to the admission of Chinese going from the United States to the Territory of Hawaii."

Section 101 of the act providing a government for the Territory of Hawaii, should, I think, be construed in connection with the Joint Resolution approved July 7th, 1898, which reads as follows:

"There shall be no further immigration of Chinese into the Hawaiian Islands, except upon such conditions as are now or may hereafter be allowed by the United States; and no Chinese, by reason of anything herein contained, shall be allowed to enter the United States from the Hawaiian Islands."

No express provision is made by the Act of April 30, 1900, for the immigration of Chinese to Hawaii from the United States.

If it had been the intention of Congress to extend this privilege, doubtless regulations would have been authorized, or prescribed, so as to prevent its fraudulent abuse. While a Chinaman, who is a citizen of the United States by reason of his birth, would have the right to visit, or migrate to the Territory of Hawaii in common with other citizens of this country, an immigrant Chinaman residing here would not have that right, in the absence of express authority by Congress.

I am, therefore, of the opinion that Chinese immigrants cannot be admitted in the Territory of Hawaii although going from the United States. See 22 Dp. A. G. p. 233; and op. of the Solicitor of the Treasury of May 1st, 1899, as to the proper construction of the said resolution.

Very respectfully,

F. A. REEVE,

Acting Solicitor.

Attorney Fleming presented a very complete brief in behalf of the two prisoners yesterday morning when the case was called up in Federal Court. He argued that the ruling in question had no bearing on the case at issue, as it was not made under any law or treaty of the United States. He contended that the action of the collector was an usurpation of power, which the court had the authority to overrule, and release the defendants. He said that if they were domiciled merchants of the United States they had a right to remain, and their cases should be considered; if not, he thought they had good ground for an action for false imprisonment against the steamship company and the collector.

Mr. Fitch stated "that if you refuse to allow these men to enter here they must be sent back to San Francisco, and if the collector there takes the same view of the law, they must be returned to Honolulu, where they will again be refused and sent back, and they will have to travel backward and forward for the balance of their natural lives." He thought there was nothing in the statute to prevent the court from having jurisdiction.

Col. Baird in reply stated that the immigration laws were very strict, that there should be no further immigration to Hawaii unless by special legislation of Congress. He argued that the two defendants were aliens under the law, and had no right to land.

Mr. Fitch replied, stating that it had been held that Chinese merchants had been allowed to enter from China, and he thought it a queer law if they could not come in from the United States, where they had already gained an entrance. He said this case was an illustration of the great danger of taking important questions away from the courts and giving them to men untrained in law, and incapable of deciding legal matters.

In the afternoon the hearing of the case was resumed and the court held that he would so far assume jurisdiction as to listen to testimony.

The two Chinese, Chuck Seen and Chew Yoen, were both put on the stand and testified that they were merchants in San Francisco and Carson City, and had interests. One of the men claimed that he had come here to collect \$20,000 owing to his firm. Witnesses were also put on the stand to identify the signatures on Chuck Seen's merchant's certificate.

The court held after hearing all the testimony that he had no jurisdiction and the decision of the collector would stand. He said that he had decided five times before this that he had no jurisdiction to overrule the collector even if sure that the collector was wrong. Cases of this kind had been decided before by the collector, as he had a better opportunity to judge of the facts in each case. The court ordered the deportation of the Chinese.

The two men will be sent back on the Mariposa this afternoon. They complain they are not treated right on the ship, and have asked the collector to get better food for them.

ANOTHER POINT RAISED.

Judge Estee heard the case of Mai Chai yesterday morning, a Chinese who had not registered because he was too ill to return within the prescribed year. He claims that the revenue office had not been opened for purposes of registration before the beginning of the present year and consequently he was not able to register, before going, though the law took effect last June. Collector Chamberlain was on the stand and testified that he had not issued the paper in question, and the records showed no demand for registration had been made. Briefs will be filed within a few days.

ESTEE RENDERES ANOTHER DECISION.

Judge Estee rendered a decision yesterday in the Yung Ho case, ordering the deportation of the defendant. In passing upon the case the court said:

The defendant left the Hawaiian Islands after annexation in October, 1899, and went to China, returning sometime in July, 1901, nearly two years thereafter, and so is not a resident of the territory on the 14th of June, 1900. His excuse for not returning within the year provided for in his certificate of return was that he had rheumatism and could not for that reason return sooner.

But the sickness shown was a reason given for the delay to return within the year required by his return certificate, not the reason contemplated by the Act of November 3, 1898, for a delay in registering as a Chinese laborer within the limits of the United States at the time the act went into effect, and also the proof that he was in the Hawaiian Islands on June 14, 1900. Neither of these pre-requisites has in this case been complied with, and the Court cannot under the law permit him to return.

The Courts have uniformly sustained the Chinese Exclusion Law. Chinese exclusion is simply the exercise of exclusive national jurisdiction within the territory of this nation. As was said by Chief Justice Marshall as far back as in the case of The Exchange reported in 1st Cranch, 116, 135, "The jurisdiction of the nation within its own territory is necessarily exclusive and absolute."

It is conceded that Yung Ho, the defendant is not "one of the Chinese in the Hawaiian Islands" when the Act of Congress of April 30, 1900, went into effect, to wit, June 14, 1900. That being so he could not register even if he had returned in time according to the language of the Statute. The law does not permit him to come into the country to get a certificate that he is a resident laborer. There is no reservation in the Act of April 30, 1900, permitting the return of Chinese laborers who had voluntarily left the Hawaiian Islands with the intent to return. Congress must be assumed to have known that there might be many such Chinese but having made no provision for their return after June 14, 1900, or the issuance of a residence certificate to them, it is clear they should be excluded.

Yung Ho comes squarely within this class, and being a Chinese laborer within the limits of the United States and the District of Hawaii, without the registration certificate required, he possesses no right to remain here. And while it may be that a hardship is seemingly worked in this case, yet the permission to come here accorded to Chinese laborers is simply a privilege not a right which Congress can withdraw by any subsequent legislation. The Courts have no power to modify or change this regulation. As was said in the case of Li Sing vs. United States, 180 U. S. 455, "We cannot yield by modifying or relaxing by judicial construction the severity of the statute under consideration."

Let the defendant be remanded to the custody of the Marshal with instruction to deport him to the country from which he came.

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BY **WILL E. FISHER**
AUCTIONEER

At Auction

WEDNESDAY, AUGUST 21,
AT 12 O'CLOCK NOON.

I will sell at Public Auction at the office of the HAWAIIAN ELECTRIC CO., LTD., on King street near Alakea, by order of the secretary.

37 SHARES of the HAWAIIAN ELECTRIC CO., LTD., STOCK.

24 fractional SHARES of the HAWAIIAN ELECTRIC CO., LTD., STOCK.

WILL E. FISHER,
AUCTIONEER.

AT AUCTION

THURSDAY AUG. 22, 1901,

COMMENCING AT 12 O'CLOCK NOON

I will offer for sale at my salesroom, corner of Merchant and Alakea streets, a large assortment of

Household Goods and Furniture, consisting of

Many Oak Bedsteads, Oak Bureaus, Oak Washstands, Top Mattresses, Spring Mattresses, Pictures, Pillows, Tables, Chairs, Rugs, Enamel Bedstead, Cloth-top Library Table, 1 New-feld Upright Piano, 1 Church Square Piano, Pictures, Oil Paintings, Etc.

WILL E. FISHER,
AUCTIONEER.

At Auction

ON FRIDAY, AUG. 23, 1901,

COMMENCING AT 10 O'CLOCK A. M.

I will offer for sale, by order of Mrs. A. Ormsby, upon the premises, being No. 1041 King street, and directly opposite the Vida villa, a large and complete assortment of

Household Goods and Furnishings, consisting of

1 Set (3 pieces) Maple Parlor Furniture, Upholstered Rockers and Chairs, Beautiful Carpets and Rugs, Settees and Couches, Bamboo Shelves and Tables, Oil Paintings and Pictures, Heavy Black Walnut Bedroom Sets, Rockers and Chairs, Beautiful Oak Folding Beds, Lace Curtains and Poles, Top and Spring Mattresses, Mosquito Nets, Counterpanes and Sheets, Portieres, Velvet Stair Carpet, Matting, Black Walnut Book Case, Ladies' Writing Desk, Mahogany Sideboard, Heavy Oak Dining Table and Chairs, China and Glassware, Kitchen Utensils, Etc.

WILL E. FISHER,
AUCTIONEER.

At Auction

SATURDAY, AUG. 24, 1901,

COMMENCING AT 10 O'CLOCK A. M.

I will offer for sale, by order of Robt. W. Sharpe, Esq., upon the premises situated on the makai side of Thurston street, between Victoria and Magazine streets,

Household Goods and Furniture, consisting of

Many Beautiful Wicker Rockers and Chairs, Brussels Carpet, Bevel Pier Mirror, Parlor Furniture, Portieres, Rugs, Lace Curtains and Poles, 8-foot Walnut Extension Dining Table, Oak Dining Chairs, Oak Sideboard, Linoleum, Black Walnut Writing Desk, Oak Rockers, Lounges, Oak Bedroom Set, Iron Bedsteads, three-fourths Walnut Bedstead, Cedar Chiffonier, Matting, Veranda Chairs and Settees, Ice Chest, Filter, Cook Stove, Meat Safe, China and Glassware, Cooking Utensils, Punching Bag, Garden Tools, Plants, Etc., Etc.

WILL E. FISHER,
AUCTIONEER.

At Auction

ON MONDAY, AUG. 26, 1901

COMMENCING AT 10 O'CLOCK A. M.

I will offer for sale, by order of J. R. Fulton, Esq., upon the premises, being the third house from the corner of Keolu street, makai side of Young street, near Thomas Square, consisting of:

Many Elegant Wicker Rockers and Chairs, Handsome Oak Rockers and Center Tables, Paintings, Etchings, Pictures, Parlor Lamp, Box Couch, Sofa Pillows, Beautiful Parlor Rug, Combination Oak Book Case and Writing Desk, Eight-day Mantle Clock, Cathedral Stroke; Tapestry Portieres, Lace Curtains and Poles, Shades, Heavy Oak Extension Dining Table and Chairs, Handsome Oak Sideboard, China and Glassware, Cutlery, Oak Bedroom Sets, Walnut Bedroom set, Enamel Bedsteads, Walnut Chiffonier, Walnut Hall Tree, Top and Spring Mattresses, Mosquito Nets, Automatic Sewing Machine, Gurney Refrigerator, Meat Safe, Jewel Cook Stove, Complete Kitchen Utensils, Crockery, Granite Ironware, Ice Cream Freezer, Garden Tools, Lawn Mower, Plants, Servants' Quarters, Etc., Etc.

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Which are without exception
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made, and the most satisfactory
for all purposes.

Business and professional
men fitting up new offices or
renewing the old will find
one of these clocks a decided
addition to their office equipment

The Calendars
Are Perpetual

and absolutely reliable, while
the time-keeping qualities of
the clock cannot be excelled.

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